

Chapter 10

SOLID WASTE*

- Art. I** **In General, §§ 10-1—10-35**
Art. II **Collection, §§ 10-36—10-85**
 Div. 1. Generally, §§ 10-36—10-55
 Div. 2. Containers, §§ 10-56—10-75
 Div. 3. Fees, §§ 10-76—10-85
Art. III **Licenses and Permits, §§ 10-86—10-120**
 Div. 1. Generally, §§ 10-86—10-95
 Div. 2. Collection License, §§ 10-96—10-110

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste shall mean large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and oversize wastes whose large size precludes or complicates the handling of normal solid waste collection, processing or disposal methods.

Collection shall mean the act of removing solid waste from a point of generation to a central storage point or to a disposal site and from a central storage point to a disposal site.

Commercial solid waste shall mean solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities.

Construction or demolition waste or debris shall mean solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings or other structures, but does not include inert debris, land-clearing debris or yard debris.

Garbage shall mean all organic waste, consisting of animal, fruit, or vegetable matter resulting from the preparation, cooking, handling, or storage of food exclusive of human or animal feces.

Hazardous waste shall mean any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or the state of North Carolina as "hazardous" as that term is defined by or pursuant to federal or state law.

*Cross reference—Environmental protection regulations, Ch. 6.

State law references—Solid waste management, G.S. 130A-290 et seq.; regulation of solid waste, G.S. 153A-136.

Inert waste shall mean any solid waste consisting of inert mineral material, including but not limited to rock, dirt, concrete, brick, etc.

Premises shall mean a definite portion of real estate including land with its appurtenances, a building, or part of a building.

Private industry shall mean any operation or organization involved in a manufacturing activity, as it relates to making wares by hand or by machinery.

Recognized collection service shall mean licensees under Article III of this chapter who are engaged in the collection of trash in the county.

Recyclable solid waste shall mean any material which the county allows to be separated from the solid waste stream and separately collected for recycling at some place other than a sanitary landfill.

Refuse shall mean all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, and street cleaning, and dead animals, yard clippings, market, commercial and industrial solid waste.

Rubbish shall mean nonputrescible solid waste consisting of both combustible and noncombustible waste such as paper, cardboard, tin cans, wood, bricks, glass, bedding, crockery; also automobiles, household appliances or litter of any other kind.

Sanitary landfill shall mean a method of disposing of solid waste on land without creating pollution, nuisance, or a hazard to public health and safety.

Scavenge shall mean uncontrolled picking from discarded solid waste materials.

Solid waste shall mean any garbage, trash, refuse, litter, rubbish, incidental yard waste and other nonliquid waste material allowed in a Subtitle D sanitary landfill as defined by state law, but excluding hazardous waste.

Solid waste collector shall mean any person who collects, transports, or disposes of solid wastes for hire.

Solid waste compactor shall mean a device, generally located at solid waste recycling/convenience centers which is used to crush or compact solid waste to a smaller volume.

Solid waste container shall mean a large metal container used for the temporary storage of solid waste.

Solid waste container site shall mean any place owned, leased, or operated by the county or its agent at which solid waste containers have been placed.

Solid waste disposal site shall mean a location at which solid wastes are disposed of by incineration, sanitary landfill or other approved method.

Solid waste recycling / convenience center shall mean any place owned, leased or operated by the county at which containers, compactors, or recycling containers have been placed for the purpose of accepting solid waste and recyclable waste.

Special waste shall mean any waste which requires special processing, handling or disposal techniques which are different from the techniques normally utilized for handling or disposal, or includes an added element of expense to transport or dispose of, or requires approval from any state agency or the state and federally approved landfill located outside of the county. Examples of such special waste may include, but shall not be limited to, white goods, tires, mining waste, fly ash, combustion ash, sludges, drilling fluids, and drill cuttings, asbestos, industrial waste, liquid waste, infectious waste and residue, pollution control residue, debris or contaminated soil and water from the cleanup of a spill.

(Ord. of 4-2-84, § III; Ord. of 4-17-89(1); Ord. of 8-16-93, § 1(A); Ord. of 8-21-94, § 1)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 10-2. Applicability.

The provisions of this chapter shall apply to the unincorporated portions of the county unless a municipality enters into any agreement with the county providing for the enforcement of its provisions within the municipality pursuant to G.S. 153A-122.

(Ord. of 4-2-84, § II)

Sec. 10-3. Refuse accumulation.

No owner, occupant, tenant or leasee of any public or private premises shall permit the accumulation upon the premises of any garbage, debris, refuse, rubbish, inoperative motor vehicles or equipment if such items create a health hazard, a nuisance to surrounding property owners and/or the public or the items are visible from any adjacent street, road or waterway.

(Ord. of 4-2-84, § IV; Ord. of 1-7-91, § 1)

Sec. 10-4. Disposal of refuse and garbage generally.

(a) It shall be unlawful for any person to throw, dump, or to cause to be dumped any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, trees, tree limbs, brush, or other forms of solid waste anywhere in the unincorporated area of the county, except as may be permitted by county regulations, at a county sanitary landfill or a contracted sanitary landfill, without the express approval of the county manager or his designee.

(b) The provisions of subsection (a) above do not apply to the dumping on private property with the owner's permission of inert waste, including but not limited to sand, dirt, broken brick, blocks or broken pavement or other suitable material which would not create a nuisance or health hazard provided the owner or owners of the property on which such material is dumped meet state health department requirements.

(c) If any of the material dumped in violation of the provisions of subsection (a) above can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited herein, such identification shall be prima facie evidence that such person dumped or caused to be dumped such matter or material in violation of this section.

(d) Every county resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of at the county landfill, or contracted county landfill, or recycling/convenience center. Failure to have their solid waste properly disposed of shall result in a civil penalty of one hundred dollars (\$100.00) being assessed against the person who generated the solid waste.

(e) No person shall burn or allow to be burned on his premises any tires, asphalt or other petroleum products except for legitimate purposes as allowed by state statutes and regulations. Each tire or container of petroleum products shall constitute a separate violation.

(f) When litter is thrown from a vehicle, the driver will be held responsible, regardless of who throws the litter.

(Ord. of 4-2-84, § V; Ord. of 1-7-91, § (3); Ord. of 8-21-94, § 2)

Sec. 10-5. Authority to establish, charge, collect fees.

(a) The board of county commissioners shall, by majority vote of a quorum of members at any regular or special meeting, establish a schedule of fees to be charged commercial contractors or recognized collection services for use of any county transfer station with the county, and may in conjunction with the establishment of such schedule provide for the method of charging and collecting such fees.

(b) Upon the establishment of such fee schedule and the method of charging and collecting such fees, the same shall be and become a part of this chapter the same as if fully set out herein and the violation thereof by any commercial contractor shall constitute a violation of this chapter and shall be enforced as provided in section 10-7.

(c) Upon adoption of any fee schedule, which may be amended from time to time, the same shall be maintained on file at all times in the office of the clerk to the board of county commissioners.

(Ord. of 11-19-84; Ord. of 8-21-94, § 3)

Sec. 10-6. Recovery of costs.

(a) The costs of collection and disposal of solid waste in the county shall be recovered from solid waste haulers and citizens through solid waste fees, tipping charges and a solid waste availability fee.

(b) Any person who operates an illegal landfill in the county that requires the services of any fire department, rescue squad or other county services shall be required to pay the full cost of the services directly to the unit providing the service.

(Ord. of 10-7-89; Ord. of 1-7-91, § 5; Ord. of 7-12-93, § 1(a))

Sec. 10-7. Enforcement, penalties.

(a) All duly authorized law enforcement officers of the county and state shall be charged with the enforcement of this chapter.

(b) In addition to the penalty in section 1-13, the board of county commissioners may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person or governmental unit or agency of any act which is prohibited by any provision of this section. (Ord. of 4-2-84, § VII)

Secs. 10-8—10-35. Reserved.

ARTICLE II. COLLECTION

DIVISION 1. GENERALLY

Secs. 10-36—10-55. Reserved.

DIVISION 2. CONTAINERS

Sec. 10-56. Use of recycling/convenience sites or centers.

(a) Only normal household refuse, garbage, and rubbish shall be placed in the solid waste container or solid waste compactor located at solid waste recycling/convenience centers. Pieces of furniture, appliances, mattresses, building materials or similar items or material shall not be placed in a container or compactor. However, such items may be deposited at approved locations within the recycling/convenience centers. Heavy items such as bricks, rocks, stumps or cement shall not be deposited at recycling/convenience centers.

(b) All normal household refuse, garbage and rubbish shall be placed wholly inside the container or compactor. None shall be placed or left outside the boundaries of the recycling/convenience center after hours or any other time.

(c) No burning item, flammable solution or explosive shall be placed in or around the recycling/convenience center, nor shall any fire be started in or around such centers.

(d) Effective April 9, 1994, all county solid waste shall be disposed of at a state and federally approved site outside of the county. Solid waste may also be deposited at the county transfer station upon payment of required tipping and other fees adopted by the board of commissioners.

(e) Scavenging at recycling/convenience centers is prohibited, provided, however, that individuals may request items deposited for recycling such as appliances, lawnmowers, mopeds, etc., and may remove those items, so long as they may be removed expeditiously and safely. No work shall be done on these items at the center.

(f) No solid waste collected for a fee, charge or tax, or as part of business operations, shall be placed in a recycling/convenience center. No solid waste that has been generated in, brought or collected from an area outside the county shall be placed in a recycling/convenience center.

(g) No one shall intentionally cause damage to a recycling/convenience center.

(h) Industrial wastes will be disposed of in accordance with county and state health department standards by the industries themselves.

(i) Effective January 1, 1995, no glass, newspaper, or cardboard shall be placed in trash containers or compactors at county recycling and convenience centers, or placed at the county transfer station. Beginning January 1, 1995, glass, newspaper, and cardboard must be placed in recycling bins maintained for that purpose at recycling and convenience centers. This prohibition shall only apply to glass, newspaper, and cardboard for which recycling containers are provided at recycling and convenience centers. The county manager shall specify and place a notice at each recycling and convenience center and the transfer station of the types of glass, newspaper, and cardboard which are prohibited in county trash containers and compactors at recycling and convenience centers or the transfer station. Violation of this subsection shall constitute a violation of this chapter and subject the violator to civil penalties set forth in section 10-4 of this chapter.

(Ord. of 4-2-84, § VI; Ord. of 3-21-94, § 4; Ord. of 9-19-94, § 1)

Sec. 10-57. Use of county containers.

(a) The following wastes may not be deposited in or brought into the recycling/convenience centers:

- (1) Hazardous waste;
- (2) Liquid waste, including but not limited to drilling fluid, sewage, contaminated water from spill cleanups, etc.;
- (3) Infectious waste and residue;
- (4) Radioactive waste;
- (5) Poisons;
- (6) Pollution control residue;
- (7) Stumps, logs or heavy yard waste;
- (8) Pesticides, or pesticide soaked debris or contaminated soil;
- (9) Dead animals;
- (10) Concrete;
- (11) Herbicides;
- (12) Burning or smoldering materials or other materials that would create a fire hazard;
- (13) Mining wastes;
- (14) Asbestos;
- (15) Fly ash;
- (16) Combustion ash;
- (17) Sludges;

(b) The solid waste fee schedule shall be on file in the office of the clerk to the board of county commissioners. The solid waste user and availability fees shall be billed on the annual ad valorem property tax bill and may be collected by the tax collector in the same manner as property taxes, including garnishment, attachment and foreclosure. The fees shall become due January 1 of each year and past due on the same dates as the ad valorem property taxes. The solid waste availability fee shall be established by the board of county commissioners and adjusted by it as necessary. Fee exemptions and fee classifications shall be established during the filing period each year and shall be final when the filing period expires. Fee classification and exemption status shall be determined as of January 1 of each year and no change shall be made in exemption status during the twelve (12) months between filing periods.

(c) Every dwelling unit or individual business in the county which pays a solid waste user or availability fee for the privilege of disposing of the solid waste generated on his or her property in any of the county solid waste facilities, shall be issued one (1) to four (4) permit stickers, without additional charge, depending on the number of vehicles registered in the person's or firm's name. Each sticker shall be assigned to a particular vehicle.

(d) Any person who operates a county-owned recycling/convenience site under contract with the county shall check to make sure that every vehicle bringing items to the recycling/convenience center has a permit sticker affixed to the lower right corner of the windshield to assure that no unauthorized persons use the convenience center. Failure to check for the sticker shall result in a civil penalty of fifty dollars (\$50.00) per occurrence being levied against the operator and deducted from any fees due to be paid to them for their services.

(e) Any person who shall willfully violate or attempt to violate this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in section 1-13 hereof.

(f) In order to encourage recycling, any individual other than a solid waste collector, recognized collection service, or commercial enterprise may deposit, recyclable materials only, at the recycling/convenience centers, without a county sticker.

(Ord. of 7-10-89; Ord. of 1-7-91, §§ 2, 6; Ord. of 7-12-93, § 1(b); Ord. of 8-16-98, § 1(B); Ord. of 3-21-94, § 6)

Sec. 10-77. Exemptions.

Exemption categories shall be established and adjusted as necessary by the board of commissioners. There will be no solid waste user or availability fee imposed upon:

- (1) Publicly owned property held by local, state or federal governmental entities, or property used for educational, scientific, literary or charitable purposes, and exempted from taxation under G.S. 105-278.1 through 105-278.8, inclusive.
- (2) Churches or bona fide religious organizations.
- (3) Any dwelling units and individual businesses located outside incorporated areas which do have recognized collection services.

- (4) Property that is the primary residence of a person entitled to the elderly and disabled property tax exemption authorized by the state legislature.
 - (5) Unlivable dwelling units where no electric meter is existing in the electric meter base, or upon which no electric meter has been installed.
 - (6) Residential storage units.
- (Ord. of 7-10-89; Ord. of 1-7-91, § 7; Ord. of 7-12-93, § 1(c); Ord. of 8-16-93, § 1(D))

Secs. 10-78—10-85. Reserved.

ARTICLE III. LICENSES AND PERMITS

DIVISION 1. GENERALLY

Secs. 10-86—10-95. Reserved.

DIVISION 2. COLLECTION LICENSE

Sec. 10-96. Required; fee.

Every person engaged in the collection of garbage, refuse and solid waste in the county shall first make application to and secure from the county tax office a privilege license which shall be in the sum of fifty dollars (\$50.00) per firm.

(Ord. of 4-17-89(1))

Sec. 10-97. Application.

The applicant for a solid waste collection license shall furnish the following information:

- (1) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interest;
- (2) A list of the equipment possessed, available, or to be obtained by the applicant;
- (3) Number of employees the applicant expects to use in the business;
- (4) Planned routes and areas of the county the applicant expects to serve;
- (5) Schedule of fees the applicant plans to charge;
- (6) Location where applicant proposes to dispose of waste; and
- (7) Evidence of the weight capacity the applicant's equipment is licensed to carry by the department of transportation.

(Ord. of 4-17-89(1); Ord. of 3-21-94, § 7)

Sec. 10-98. Duration.

All licenses issued under this article shall be for one (1) year which shall be for the fiscal year beginning July first, and ending June thirtieth, except that licenses issued to collectors of garbage, refuse, and solid wastes within a fiscal year shall only be for a period beginning on the date such license is issued and immediately ending the following June thirtieth.

(Ord. of 4-17-89(1))

Sec. 10-99. Appeal from denial of license.

If an applicant is denied a license required by this article by the landfill supervisor, he may request a hearing before the county manager. At least one (1) week after the hearing, the county manager shall give the applicant written notice of his decision. If his decision is a denial, the applicant may then appeal to the board of county commissioners by giving written notice to the county manager within ten (10) days following receipt of the decision. After a hearing on the appeal, the board of county commissioners shall either affirm the denial or direct the landfill supervisor to issue the license.

(Ord. of 4-17-89(1); Ord. of 3-21-94, § 8)

Sec. 10-100. Control of collection fees.

The board of county commissioners shall have full authority to set, regulate and govern the fees to be charged by licensed collectors of garbage, refuse or solid wastes.

(Ord. of 4-17-89(1))

Sec. 10-101. Revocation authorized.

(a) Any license issued for collection and transportation of solid waste may be revoked for violations of applicable regulations pertaining to the management of solid waste.

(b) A one-hundred-dollar civil penalty shall be imposed upon any solid waste collector or recognized collection service for hire observed dumping at a solid waste recycling/convenience center. If, within three (3) years after such a penalty is imposed, the collector is again observed dumping at a solid waste recycling/convenience center, their license to pick up solid waste in the county shall be revoked. After receipt of notice of revocation, the licensee may request a hearing as provided in section 10-99.

(c) Whenever, upon inspection of facilities, equipment or operating methods or practices of any person licensed and performing collection and transporting services, the county manager or his designee finds conditions or practices that exist which are not in compliance with solid waste law and regulation, the county manager will give notice in writing to such person that unless such conditions or practices are corrected or remedied within ten (10) days, the collector's license may be revoked. The notice shall include the date, time and place of reinspection by the county manager or his designee.

(d) If, after reinspection, the county manager or his designee finds conditions or practices not corrected, the collector's license may be revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting and transporting solid waste for hire.

(e) The county manager or his designee may reinstate a revoked license after revocation if he finds that the conditions causing the violation have been corrected.
(Ord. of 4-17-89(1); Ord. of 3-21-94, § 9)

Sec. 10-102. Appeal of revocation.

(a) The holder of a license issued under this article may request in writing to the landfill supervisor/agent a hearing before the county administrator in order that the licenseholder may justify why such license should not be revoked. Such requests shall be received by the landfill supervisor/agent no later than ten (10) days following notice of license revocation.

(b) After hearing the appeal, the county administrator shall affirm the revocation or direct the landfill supervisor/agent to reinstate the licensee.

(c) Reinstatement or reissuance of a license to collect or transport solid waste will be subject to review and rehearing by the board of county commissioners.
(Ord. of 4-17-89(1))

Sec. 10-103. Regulations.

(a) No person for hire shall transport solid waste upon the public roads by any mode of conveyance that has not been inspected and approved for use by the county landfill department.

(b) Vehicles or containers used for the collection and transportation of garbage or refuse shall be covered, leakproof, durable and of easily cleanable construction. Open body trucks or other vehicles used in collection and transportation of solid waste will be covered with canvas or other substantial material to prevent contents from falling, leaking, spilling or being blown from the vehicle.

(c) All licensed solid waste collectors for hire shall display plainly visible decals or lettering on the vehicle showing name and address or phone number of the owner. Such information shall be on file with the landfill supervisor.

(d) No collector for hire shall dispose of solid waste in the solid waste containers provided by the county or designated agent of the county.
(Ord. of 4-17-89(1))